

REMARKS

Reconsideration of the Examiner's rejection of the present application is requested respectfully in view of the above amendments and the following remarks.

STATUS OF THE CLAIMS

Claims 1-19 and 25-29 were pending at the time of the present Office Action. Claims 25, 26 and 29 stood withdrawn from consideration. Claims 2 and 16 have been amended. Claims 1, 25, 26 and 29 have been cancelled. No claims have been added. Therefore, claims 2-19 and 27-28 are now presented for review.

SUMMARY OF OFFICE ACTION

The specification has been objected to for lacking proper priority data. An Application Data Sheet (ADS) was filed November 4, 2009 which included references to all priority documents. It is submitted that that ADS duly references all of the priority patent applications. In addition, the "Cross Reference to Related Applications" which had been added by Preliminary Amendment with the initial filing on October 2, 2003 has been deleted.

Claims 25, 26 and 29 stand rejected under 35 U.S.C. §112, first paragraph, as lacking enablement.

Claims 1, 16, 17, 25 and 28 stand rejected under 35 U.S.C. §102(b) as being anticipated by Petitou et al. (US 5,382,570).

Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petitou et al. (US 5,382,570).

Claim 1 stands rejected on the ground of nonstatutory obviousness-type double patenting over claim 1 of US Patent No. 5,558,274.

Claims 1, 25 and 26 stand rejected on the ground of nonstatutory obviousness-type double patenting over claims 1 and 2 of US Patent No. 5,529,985.

Claims 1, 16 and 17 stand rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-5 of US Patent No. 5,382,570.

The Examiner has noted that claims 14 and 15 are seen to be allowable. In addition, claims 2-13, 27 and 28 were objected to for depending from a rejected base claim, but would be

allowable if rewritten in independent form incorporating all the limitations of the rejected base claim.

THE AMENDMENTS

The specification has been amended to delete the "Cross Reference to Related Applications" which had been added by Preliminary Amendment with the initial filing on October 2, 2003. An ADS was filed November 4, 2009, and is now the sole reference to priority data for this application. It is submitted that the ADS addresses the issues which were raised by the Examiner's objection in the present Office Action.

A substitute specification is submitted herewith. Inadvertent word processing errors were noted in the specification which have resulted in several of the formulas being placed in the middle of paragraphs. A substitute Specification is submitted to correct this. No changes to the content of the original specification have been made.

Claim 2 has been amended to place it in independent form, incorporating all of the limitations of rejected base claim 1. Claim 1 has been cancelled. Claim 16 has been made dependent from claim 2. Therefore, claims 2-13, 16-19, and 27-28 now depend directly or indirectly from independent claim 2. Claims 14 and 15 remain independent.

REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 25, 26 and 29 stand rejected under 35 U.S.C. §112, first paragraph, as lacking enablement. In order to advance the prosecution of this application, these claims have been cancelled rendering this rejection moot. However, applicants reserve the right to resubmit these claims in a subsequent continuing application.

REJECTION UNDER 35 U.S.C. §102(b)

Claims 1, 16, 17, 25 and 28 stand rejected under 35 U.S.C. §102(b) as being anticipated by Petitou et al. (US 5,382,570). Claim 1 and 25 have been cancelled. Claims 16, 17 and 28 now depend directly or independently from independent claim, which the Examiner has indicated as being allowable. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

REJECTION UNDER 35 U.S.C. §103(a)

Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Petitou et al. (US 5,382,570). Because of the amendment of intervening claim 16 to depend from allowable claim 2, these claims now also depend from claim 2. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

NON-STATUTORY OBVIOUS-TYPE DOUBLE PATENTING REJECTIONS

Claim 1 stands rejected on the ground of nonstatutory obviousness-type double patenting over claim 1 of US Patent No. 5,558,274. Claim 1 has been cancelled, rendering this rejection moot.

Claims 1, 25 and 26 stand rejected on the ground of nonstatutory obviousness-type double patenting over claims 1 and 2 of US Patent No. 5,529,985. Claims 1, 25 and 26 have been cancelled, rendering this rejection moot.

Claims 1, 16 and 17 stand rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-5 of US Patent No. 5,382,570. Claim 1 has been cancelled, and claim 16 and 17 now depend directly or indirectly from allowable claim 2. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

For all of these reasons, it is submitted that the claims of the present application are now in condition for allowance, and action to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment resulting from this Amendment to Deposit Account 18-1982.

Respectfully submitted,

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